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96TH CONGRESS
2d Session
SENATE
EXECUTIVE
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RECIPROCAL FISHERIES AGREEMENT WITH THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, 1979

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE RECIPROCAL FISHERIES AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, 1979, WITH ITS AGREED MINUTE, DONE AT LONDON, MARCH 27, 1979

COMPLETED
ORIGINAL

JUNE 2, 1980.—Agreement was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE
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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *June 2, 1980.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Reciprocal Fisheries Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, 1979, with its Agreed Minute, done at London, March 27, 1979. The report of the Department of State is enclosed for the information of the Senate in connection with its consideration of the Agreement.

The Reciprocal Fisheries Agreement, which pertains to reciprocal fishing activities in the waters off the United States Virgin Islands and the British Virgin Islands, was concluded in order to replace the Reciprocal Fisheries Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, 1977, which expired on December 31, 1978. The purpose of the Agreement, like that of its predecessor, is to permit traditional, small-scale fishing operations in the Virgin Islands area to continue undisturbed. The United States will retain exclusive authority to enforce the provisions of the Agreement and applicable national fisheries regulations within the Fishery Conservation Zone, and the United Kingdom will retain similar authority within the exclusive fisheries zone of the British Virgin Islands. Without this Agreement, and as a consequence of the entry into force of the Fishery Conservation and Management Act of 1976 and of similar British legislation, such traditional fishing activity would have to cease. I therefore recommend that the Senate give early consideration to the Reciprocal Fisheries Agreement and its advice and consent to ratification.

JIMMY CARTER.

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LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, May 20, 1980.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Reciprocal Fisheries Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, 1979, with its Agreed Minute. I recommend that this Agreement, pertaining to reciprocal fishing activities in the waters off the United States Virgin Islands (U.S.V.I.) and the British Virgin Islands (B.V.I.), which was signed by the United States on March 27, 1979, be transmitted to the Senate for its advice and consent to ratification.

This Agreement was negotiated to replace the Reciprocal Fisheries Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, 1977, with its Agreed Minute. The 1977 Agreement, which was signed in Washington on June 24, 1977 and ratified by the United States on July 28, 1978, entered into force on November 7, 1978 and expired on December 31, 1978. It proved to be highly satisfactory and beneficial to both U.S. and B.V.I. fishermen.

Traditionally, fishermen from the B.V.I. and the U.S.V.I. have fished throughout the Virgin Islands area. A small number of fishermen from Puerto Rico also fish off the B.V.I. The result of the entry into force of the Fishery Conservation and Management Act of 1976 and of similar British legislation establishing 200-nautical-mile fishery zones in the Virgin Islands, however, was to forbid such traditional fishing. In order to enable traditional small-scale fishing in the waters off the U.S.V.I. and the B.V.I. to continue in accordance with existing patterns and levels, the Reciprocal Fisheries Agreement of 1977 was concluded. The Agreement of 1979, whose provisions are virtually identical to those of its predecessor, was concluded in order to permit these traditional fishing practices to continue following the expiration of the 1977 Agreement.

The provisions of the two Agreements differ only with respect to the termination clause. While the 1977 Agreement included a fixed expiration date, the 1979 Agreement provides that the Agreement: "shall continue in force until the expiry of a period of ninety days from the date on which either Party gives written notice to the other Party of its intention to terminate the Agreement."

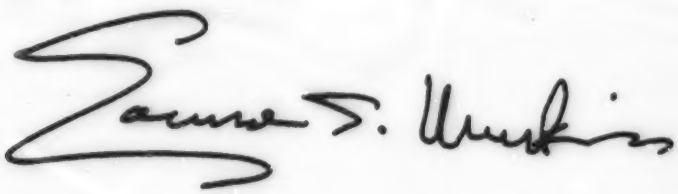
In essence, the Agreement of 1979 will serve to avoid any disruption in the small-scale fisheries which have historically occurred around the Virgin Islands, and which have been a positive element in the close economic, social and cultural relations between the people of the U.S.V.I. and the B.V.I.

The Agreement provides that commercial fishing by vessels of the United States may continue in the exclusive fishery zone of the B.V.I. in accordance with existing levels and patterns, as may commercial fishing by vessels of the B.V.I. in the waters of the Fishery Conservation Zone (F.C.Z.) of the United States. The Agreed Minute defines the existing patterns and levels of fishing activity as a maximum of twelve United States vessels no more than 55 feet in length permitted to operate in the exclusive fishery zone of the B.V.I., and a maximum of two B.V.I. vessels no more than 40 feet in length permitted to operate in the United States F.C.Z. It also describes specifically the areas and seasons in which such fishing operations are authorized.

The Agreement stipulates that the United States has exclusive authority to enforce the provisions of the Agreement and applicable national fishery regulations within the F.C.Z. with respect to fishing by vessels of the B.V.I., and that the United Kingdom has similar exclusive authority within its exclusive fishery zone with respect to fishing by vessels of the United States.

The Reciprocal Fisheries Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, 1979, with its Agreed Minute, will permit the traditional fishing activities of the Virgin Islands to continue. The Agreement is supported by both the Department of Commerce and the Caribbean Fishery Management Council. I recommend that the Agreement be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted.



Reciprocal Fisheries Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland;

Seeking to maintain the long-standing and cooperative fisheries relations in adjacent waters which have formed a part of the close ties between the people of the British Virgin Islands and the people of the United States;

Desiring to ensure effective conservation of fishery stocks in the exclusive fishery zones of the British Virgin Islands and the United States;

Taking note of the United States Fishery Conservation and Management Act of 1976, establishing a fishery conservation zone contiguous to the territorial sea of the United States;

Taking note of the Proclamation by the Governor of the British Virgin Islands of 9 March 1977 establishing a fisheries zone contiguous to the territorial sea of the British Virgin Islands;

Recalling that the two Governments have a common approach based on the principle of equidistance regarding the limits of fishery jurisdiction as between the British Virgin Islands and the United States;

Have agreed as follows:

Article I

For the purposes of this Agreement:

(*a*) the exclusive fishery zone of the United States refers to waters subject to the fishery jurisdiction of the United States beyond the territorial sea;

(*b*) the exclusive fishery zone of the British Virgin Islands refers to waters subject to the fishery jurisdiction of the United Kingdom contiguous to the territorial sea of the British Virgin Islands.

Article II

Commercial fishing by vessels of the British Virgin Islands may continue in the exclusive fishery zone of the United States in accordance with existing patterns and at existing levels. The Government of the United States extends access to its exclusive fishery zone to vessels of the British Virgin Islands for the purpose of conducting such fishing.

Article III

Commercial fishing by vessels of the United States may continue in the exclusive fishery zone of the British Virgin Islands in accordance with exsiting patterns and at existing levels. The Government of the United Kingdom of Great Britain and Northern Ireland extends access

to the exclusive fishery zone of the British Virgin Islands to vessels of the United States for the purpose of conducting such fishing.

Article IV

1. The Government of the United Kingdom of Great Britain and Northern Ireland shall have exclusive authority to enforce the provisions of this Agreement and applicable national fishery regulations with respect to fishing by vessels of the United States in the exclusive fishery zone of the British Virgin Islands; provided that such national regulations as may be applied shall not disturb existing patterns and levels of fishing.

2. The Government of the United States shall have exclusive authority to enforce the provisions of this Agreement and applicable national fishery regulations with respect to fishing by vessels of the British Virgin Islands in the exclusive fishery zone of the United States; provided that such national regulations as may be applied shall not disturb existing patterns and levels of fishing.

Article V

Nothing in this Agreement shall preclude either Party from regulating recreational fishing within its exclusive fishery zone in accordance with its applicable laws.

Article VI

1. Consultations shall be held at the request of either Party to this Agreement, when:

(*a*) there is reason to believe that vessels of the other are fishing in a manner inconsistent with existing patterns and levels of commercial fishing referred to in Articles II and III;

(*b*) either Party seeks a change in existing patterns or levels of commercial fishing referred to in Articles II and III;

(*c*) either Party intends to introduce conservation measures which may affect the existing patterns and levels of commercial fishing referred to in Articles II and III;

(*d*) there is a need to discuss implementation of any provision of this Agreement.

2. If such consultations result in a decision to amend the terms of this Agreement, such amendments shall enter into force by a subsequent exchange of diplomatic Notes.

Article VII

This Agreement shall enter into force on the date of exchange of instruments of ratification, and shall continue in force until the expiry of a period of 90 days from the date on which either Party gives written

notice to the other Party of its intention to terminate this Agreement.

In witness whereof, the undersigned, duly authorized thereby by their respective Governments, have signed this Agreement.

Done in duplicate, at London on 27th March 1979.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

AGREED MINUTE

1. In connection with the signature of the Reciprocal Fisheries Agreement between the Government of the UK of Great Britain and Northern Ireland and the Government of the United States of America on 27 March 1979, representatives of the two governments agreed that the following information reflected the existing patterns and levels of commercial fishing by vessels of the United States in the exclusive fishery zone of the British Virgin Islands as defined in the Agreement:

(*a*) no fishing by vessels over fifty-five (55) feet in length;

(*b*) deep line fishing at or beyond the forty fathom curve by six vessels per day between thirty (30) and fifty-five (55) feet in length during April, May and June; and deep line fishing at or beyond the forty fathom curve by four such vessels per day during the remainder of the year;

(*c*) line and trap fishing by six vessels per day under thirty (30) feet in length west of a line drawn due north of Mount Sage (1,789 feet) on Tortola; and west of a line drawn due south from the easternmost point of Peter Island.

2. Representatives of the two governments agreed that the following reflected the existing patterns and levels of commercial fishing by vessels of the British Virgin Islands in the exclusive fishery zone of the United States as defined in the Agreement:

deep line fishing by two vessels per day under forty (40) feet in length, at or beyond the forty fathom curve.